

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAW FAMILY ARCHIVES, LTD., EDITH MARCUS, :
and META STEVENS, :

Plaintiffs, :

-against- :

CMG WORLDWIDE, INC., an Indiana Corporation :
and MARILYN MONROE, LLC, a Delaware :
Limited Liability Company, :

Defendants. :

Index No. 05 CV 3939 (CM)

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DECLARATION OF CHRISTOPHER SERBAGI

Christopher Serbagi, declares as follows:

1. I am the attorney for Plaintiff/Consolidated Defendants Shaw Family Archives, Ltd., Bradford Licensing, Inc., Ms. Edith Marcus, and Ms. Meta Stevens ("Plaintiffs"). I respectfully submit this declaration in opposition to Defendants' motion (i) to dismiss Count Nine of Plaintiffs' Second Amended Complaint and (ii) for a limited stay of discovery.
2. By electronic communication dated November 2, 2007, I requested that the Defendants withdraw their motion to dismiss Count Nine of the Second Amended Complaint on grounds that the new California legislation renders their opposition frivolous. I also spoke on the telephone with counsel for Defendant CMG Worldwide, Inc., Mr. Ted Minch. I acknowledge to the Court that I made my request late in the afternoon and respective counsel represented to me that their clients were out of town. Plaintiffs still believe that the Defendants should have withdrawn their motion to dismiss Count Nine based on the new California legislation.

3. On the morning of November 2, 2007 I conferred with attorney for the Defendant MMLLC, Paula Colbath. I asked Ms. Colbath if MMLLC would produce documents relating to its efforts to lobby the legislature for a change in the right of publicity law. Ms. Colbath inquired about the relevance of those documents and I explained that they would be relevant to the issue of Ms. Monroe's domicile when she died and other issues. Ms. Colbath expressed disagreement with that position and stated that she would finally revert to me in due course. Ms. Colbath has not responded to my request.

4. On November 2, 2007, attorney for the Defendant MMLLC, Barry Slotnick, represented that MMLLC would consent to the Plaintiffs withdrawing counts 3-8 of the Second Amended Complaint. Mr. Slotnick told me to send the Stipulation to his colleague Ms. Colbath, who has not yet sent me the signed stipulation. Counsel for Defendant CMG has already provided me his signature to the Stipulation.

5. Attached hereto as Exhibit A is a true and correct copy of the Court's May 2, 2007 Decision and Order.

6. Attached hereto as Exhibit B is a true and correct copy of Bill Number SB 771, signed into law on October 10, 2007.

7. Attached hereto as Exhibit C is a true and correct copy of the Defendants' Third Amended Complaint, dated August 9, 2007.

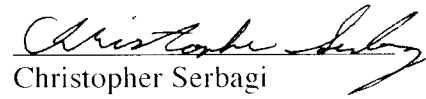
8. Attached hereto as Exhibit D is a true and correct copy of a web page printout from MMLLC's web site at <http://marilynmonroe.com/about/viewheadline.php?id=4273>.

9. Attached hereto as Exhibit E is a true and correct copy of Plaintiffs' Second Amended Complaint, dated August 8, 2007.

10. Attached hereto as Exhibit F is a true and correct copy of Plaintiffs' Second Set of Document Requests, dated July 16, 2007.

11. Attached hereto as Exhibit G is a true and correct copy of Plaintiff's First Demand for Documents, dated October 8, 2006.

12. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 6th day of November 2007, in New York, New York.


Christopher Serbagi